

2000
ORIGINAL

ROECA, LOUIE & HIRAOKA
A Limited Liability Law Partnership, LLP

DAVID M. LOUIE
dlouie@rlhlaw.com
JAMES SHIN
jshin@rlhlaw.com
900 Davies Pacific Center
841 Bishop Street
Honolulu, HI 96813
Telephone: (808) 538-7500
Facsimile: (808) 521-9648

Attorneys for Plaintiff
MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 03 2006

at 4 o'clock and 12 min. P.M.
SUE BEITIA, CLERK

LODGED

FEB 02 2006
1:20 pm
CLERK, U. S. DISTRICT COURT
DISTRICT OF HAWAII

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MASSACHUSETTS MUTUAL LIFE)
INSURANCE COMPANY,)

Plaintiff,)

vs.)

ELIZABETH THOLE MERK,)

Defendant.)

ELIZABETH THOLE MERK,)

Third-Party)
Plaintiff,)

vs.)

JMS
Civil No. 03-00674-DAE-KSC

STIPULATION TO DISMISS
PLAINTIFF'S COMPLAINT AND
DEFENDANT'S COUNTERCLAIM
WITH PREJUDICE ✓ TP

Trial Date: March 14, 2006


WAYNE TANAKA,)
)
 Third-Party)
 Defendant.)
)

571-3/Stipdismiss.dml.js.wpd

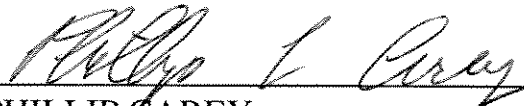
**STIPULATION TO DISMISS PLAINTIFF'S COMPLAINT AND
DEFENDANT'S COUNTERCLAIM WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between
MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY ("MassMutual")
and ELIZABETH THOLE MERK ("Merk"), by and through their respective
counsel and pursuant to Fed. R. Civ. P. 41(a)(1)(ii), that MassMutual's Complaint
and Merk's Counterclaim in the above-entitled cause and action be and the same
hereby is dismissed with prejudice, each party to bear its own costs and attorney's
fees. Merk's Third-Party Complaint has previously been dismissed by stipulation.
There are no remaining parties and/or issues. All remaining appearing parties
have indicated their approval by their signatures below. Trial is set for March 14,
2006.

DATED: Honolulu, Hawaii, FEB 2 2006

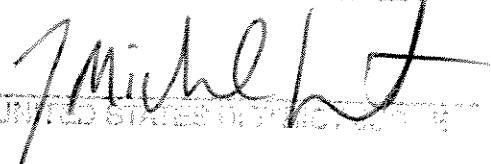


DAVID M. LOUIE
JAMES SHIN
Attorneys for Plaintiff MASSACHUSETTS
MUTUAL LIFE INSURANCE COMPANY



PHILLIP CAREY
Attorney for Defendant and Third-Party
Plaintiff ELIZABETH THOLE MERK

APPROVED AND SO ORDERED:



UNITED STATES DISTRICT COURT

Massachusetts Mutual v. Merk, Civil No. 03-00674-DAE-KSC, United States District Court for the District of Hawai'i; STIPULATION TO DISMISS PLAINTIFF'S COMPLAINT AND DEFENDANT'S COUNTERCLAIM WITH PREJUDICE.